

POLICY AND COMMUNICATIONS BULLETIN

THE CLINICAL CENTER

Medical Administrative Series

M92-11 (rev.)

7 October 1997

MANUAL TRANSMITTAL SHEET

SUBJECT: Release of Information to the Media

1. Explanation of Material Transmitted: This bulletin transmits the revised policy of the Clinical Center regarding the release of information about patients and events to the media. The policy was reviewed by the Medical Executive Committee on 7 October 1997 and approved with a minor change.
2. Material Superseded: MAS No. M92-11 (rev.), dated 1 March 1995
3. Filing Instructions: "Other" Section

Remove: No. M92-11 (rev.), dated 1 March 1995

Insert: No. M92-11 (rev.), dated 7 October 1997

DISTRIBUTION

Physicians, Dentists and Other Practitioners Participating in
Patient Care

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SUBJECT: Release of Information to the Media

PURPOSE

To respond accurately to media requests for information about Clinical Center patients, research, and events, while protecting patient privacy.

POLICY

The Clinical Center, while maintaining patient welfare as its primary responsibility, cooperates with the media in conveying prompt and accurate information to the public concerning the methods and achievements of clinical research, medical advances in diagnosis and treatment, the admission of patients, including public figures, and other Clinical Center matters that may be of public interest.

CONSIDERATIONS AND RELATED ISSUES

- 1) The Clinical Center's (CC) primary responsibility is the welfare of the patient. This includes management of the circumstances under which information about a patient may be released to the media.
- 2) Patients' medical records are held universally as confidential documents. Disclosure of confidential information to the media from patients' medical records without written consent is prohibited by the Privacy Act of 1974.
- 3) For purposes of this policy, a public figure is defined as an individual who was well known to the public before admission to the CC.

PROCEDURES

- 1) The Chief, CC Communications (CCC), serves as the CC's primary contact with the media. All print, radio, and television inquiries concerning patients, patient care programs, clinical research, and all other aspects of the CC are referred to CCC at 496-2563. After regular working hours, on weekends, and on holidays, media inquiries should be referred to the Chief, CCC, or designee on call (through CC Admissions, 496-3141). If CCC staff are unavailable, the senior administrator on call for the CC should be contacted through CC Admissions.
- 2) When a statement about sensitive issues is required, the Chief, CCC, will contact the Director, CC, to collaborate in naming a spokesperson. If the Director, CC, is unavailable, the Deputy Director for Clinical Care, CC, or the Deputy Director for Management and Operations, CC, will be contacted, in that order.
- 3) The Chief, CCC, should be alerted to issues of potential interest to the media, so that CCC can prepare statements and appoint a spokesperson in advance of media inquiries.
- 4) The only information that may be released to the media without prior written authorization is verification of an individual as a current CC patient.

Hospital location of a patient may indicate a diagnosis; therefore, such information as the patient care unit, room number, or telephone number will not be released to the media without prior written permission of the patient or his/her representative.

- 5) Authorization to release information other than that described in #4 is conveyed by completion of Form NIH-527, "Authorization for Release of Medical Information," which may be obtained from the Medicolegal Section of the Medical Record Department, CC, at 496-3331.
- 6) The CC will not comply with patients' requests for complete restriction of information, anonymity, or the use of an assumed identity on the medical record. Any objections to this restriction must be transmitted to the Chief, Medical Record Department, who will forward them to the Director, CC.

- 7) If a patient attracts media attention, the Chief, CCC, or designee, will consult with the patient or his/her designated representative, the attending physician, and the Director, CC, or designee, on what information, other than the fact of hospitalization and condition, may be released in response to a media request. If these same persons deem it appropriate, the Chief, CCC, will arrange for release of periodic bulletins concerning the patient's status.
- 8) Photographs or interviews with patients are arranged by the Chief, CCC, or designee. Patients may be interviewed, filmed, videotaped, or photographed by representatives of the media provided that the admitting physician and Institute Clinical Director have both given at least oral approval, and a written consent (Form NIH-549, "Authorization for Public Information Audiovisual Materials Involving Patients") has been obtained from the patient in advance. The Chief, CCC, or designee will meet with the patient and explain the implications of media exposure prior to obtaining the patient's permission. In addition to the patient, the attending physician, Institute Clinical Director, and Chief, CCC, must sign this form. The original copy of the form is maintained as part of the patient's medical record. If the patient is a minor, the signature of a parent or guardian is required. The same procedure applies to NIH photographs or videotapes of patients that are released to the media or published in NIH publications.
- 9) The Privacy Act does not automatically apply to the records of deceased persons. Release of the presumptive cause of death in response to media inquiries must comply with the wishes of the next of kin and have approval of the attending physician, the Institute Clinical Director, the Chief, CCC, and the Director, CC.
- 10) The media will not be provided with the name, photograph, or any other background information on an attending physician who is caring for a public figure, unless the patient and physician consent in advance to its release.